

1 Trinity affiliates that play Trinity programming, then a third
2 and specialty category which Translator TV would fall under,
3 as well as Community Educational Television and Jacksonville
4 Educator Broadcasting.

5 Q And what made those last three special were the
6 purposes that those companies had?

7 A Well, the two educational corporations, of course,
8 had a significant degree of educational programming,
9 involvement in the community for educational programs. They
10 had advisory members, doctors and, and professors. Translator
11 TV I would call a specialty, specialty corporation in that it
12 was -- when it was originally designed, it was designed to, to
13 operate these translator stations, which was different from
14 anything else.

15 Plus, it had the, the minority involvement and
16 intended minority focus, which was different from the other
17 corporations. So in my mind, there's really a, a specialty
18 division here.

19 Q But in terms of the basic ownership of the company in
20 January of 1984, outside of the name wouldn't the ownership of
21 Translator TV and Community Educational Television essentially
22 be equivalent to the ownership of Trinity of New York or
23 Trinity of Indiana?

24 A The bodies would be the same on, on the board. They
25 would have different, different responsibility, though.

1 Q Different responsibility, not, not in the sense that
2 one, as a board member, has a different responsibility from,
3 from one corporation to another. What you're saying is that
4 there is something about the purpose or what that corporation
5 is going to do some, somewhere down the line that renders it
6 different?

7 A Well, Trinity Broadcasting would have no obligation
8 to present Community Educational programs, like Jacksonville
9 and Community Educational Television do.

10 Q Okay, so you're saying that Community Educational
11 Television and eventually Jacksonville Educators Broadcasting
12 has -- they have some obligations different from the
13 obligations that Trinity has?

14 A Yes.

15 Q And that obligation is the educational obligation?

16 A Right.

17 Q But in terms of the ownership of the company back in
18 1984, we're not talking about any differences in ownership,
19 are we, that would render --

20 A No. The only --

21 Q -- Translator TV --

22 A I mean, it's, it's on paper who the directors are.
23 That speaks for itself.

24 Q Well, sometimes these things do speak for themselves
25 and sometimes they don't. I'd like you to turn to page 5 of

1 | this exhibit.

2 | MR. COHEN: What, what exhibit is this?

3 | MR. SHOOK: Mass Media Exhibit 70.

4 | BY MR. SHOOK:

5 | Q And the paragraph I'd like you to focus on is the
6 | fourth paragraph, beginning with "Mrs. Duff reported," and
7 | just read that to yourself.

8 | A Yes, I see that.

9 | Q Now, from your having written these minutes and
10 | having attended that meeting, is it your understanding that
11 | what is being referred to here is Mrs. Duff acting on behalf
12 | of Trinity Broadcasting Network, mailing letters to parties
13 | who hold construction permits for translators?

14 | A If Mrs. Duff had, had specified a particular
15 | corporation that those went out for, I would have indicated it
16 | in the minutes. I think she just gave a general report about
17 | mailing out letters.

18 | Q So you have no knowledge what company she was mailing
19 | out letters for?

20 | A No, I don't.

21 | Q That is, whether it was for Trinity Broadcasting
22 | Network, of which she was a board member, or Translator TV,
23 | Inc., of which she was a board member?

24 | A That's correct.

25 | Q Please turn to Mass Media Exhibit -- Oh, excuse me.

1 Before you do that, please turn to page 10 of Mass Media
2 Exhibit 70.

3 A Yes.

4 Q The paragraph I'd like you to focus on is the third
5 paragraph, the one that begins with "Mr. Quinn raised the
6 possibility of a retirement plan."

7 A Yes.

8 Q Now, is that retirement plan one that is supposed to
9 encompass the Trinity Broadcasting Network and the other
10 corporations that are noted here as having attended this
11 meeting, or is there supposed to be some limitation as to who
12 can participate --

13 A The intent --

14 Q -- in this retirement plan?

15 A The intent was a retirement plan for any of the
16 Trinity Broadcasting corporations, any of the, any --
17 Actually, what he had in mind would be anything that would
18 apply to a 501(c)(3), but each corporation would have to put
19 it into effect. That is not the plan that went into effect
20 for Mr. Quinn's suggested -- It was never put into effect.

21 Q Please turn to Mass Media Exhibit 91.

22 A Okay. Okay.

23 Q Now, with respect to Translator TV, Inc., being at
24 this meeting -- And this is January 14, 1985, and I'll refer
25 you to page 9, and you signed the minutes, it looks like.

1 A Okay. Yes, I did sign those minutes.

2 Q I take it Translator TV, Inc., was meant to be viewed
3 as an affiliate corporation?

4 A Yes.

5 Q And that was the case even though at this time, if
6 you look at the listing of directors, the only common director
7 between Trinity Broadcasting Network and Translator
8 Television, Inc., is Paul Crouch?

9 A Yes. The corporation intended to broadcast
10 programming of Trinity Broadcasting Network.

11 Q The affiliated corporations that are noted here are
12 noted as being affiliated or are part of this meeting because
13 of ownership, correct, and not potential programming?

14 A Well, they're both -- I think that, that programming
15 and ownership apply to all of them. There's some
16 representation from Trinity Broadcasting on all of these
17 boards and all of them are broadcasting or intend to broadcast
18 Trinity's programming.

19 Q But in terms of whether a corporation would be a part
20 of this meeting, the determining factor would not be the
21 intention or lack thereof to broadcast Trinity programming,
22 but wasn't it the presence of one or more common board members
23 between Trinity Broadcasting Network and the other
24 corporations?

25 A There were people that attended these meetings from

1 other corporations that just broadcast programming -- For
2 example, in 1985, Garth Coonce is listed as president, so he's
3 the, the president of, of TriState Television. And so Garth
4 was a regular participant in these, in these meetings.

5 Q Right. But this, this didn't involve a meeting of
6 TriState, though, did it?

7 A No. That's a different -- The attendees, those who
8 participated in the meeting, were, were, were not always --
9 were not necessarily those who had board members from Trinity.
10 But when we list the board members, where there is personnel
11 from Trinity involved, then they're listed among the
12 corporations who have board meetings at this time.

13 Q Well, so in other words, TriState is not a part of
14 this meeting in the sense that TriState is not viewed as one
15 of the affiliate corporations that are --

16 A It's an affiliate because it broadcasts Trinity
17 programs, but it has no board members from Trinity on its
18 board.

19 Q No, I'm simply -- It's a -- I suppose it's a matter
20 of semantics, but I'm looking at the title that appears on the
21 first page and the references to an annual meeting of the
22 combined boards, etcetera, and the reference there to
23 affiliate corporations is not meant to include TriState, is
24 it?

25 A Not in that, in that, in that paragraph. I think we

1 would commonly refer to TriState around -- at Trinity
2 Broadcasting as one of our, our program affiliates.

3 Q Now, on page 2, the fifth paragraph down, there is a
4 reference to a John Casoria. Do you see that?

5 A Yes.

6 Q Now, at the point in time that we're looking at here,
7 January of 1985, on page 2 and on page 5 it reflects that John
8 Casoria is a president and director of Community Educational
9 Television. Is John Casoria also an employee of Trinity
10 Broadcasting Network at this time?

11 A I believe that he was -- At that time, he was also
12 serving as finance, finance director, which wouldn't be
13 official office, but an employee.

14 Q Now, did he ever actually leave California and go to
15 Texas to, to assume any responsibilities with respect to
16 Community Educational Television?

17 A He was scheduled to go to Texas and then quit just
18 before he moved.

19 Q And how was it that he was -- In what capacity was he
20 going to go to Texas?

21 A He was going to be the, the director of that -- of
22 the Houston station and was going to be the president of
23 Community Educational Television.

24 Q Oh, he was going to be the Houston station, station
25 manager?

1 A As well as the president of Community Educational
2 Television. There was a point in time when he was the pastor
3 of Trinity Christian Center of San Marcos before he, he quit.
4 So when this happened, he may have been pastor in that church.

5 Q I'd like you to turn to page 6.

6 A I'm at six.

7 Q Now, we've touched upon this matter before and -- but
8 at the time I don't think I referred you specifically to these
9 minutes or the listing of markets that appears in the middle
10 of the page.

11 A Yes.

12 Q Do you see 1 through 18? And at that point, the
13 references -- the board of Trinity Broadcasting Network then
14 considered the purchase of low-power stations for, and then
15 there are the 18 markets listed.

16 A Yes.

17 Q Do you see that?

18 A Yes.

19 Q Now, does this help you recall what discussion, if
20 any, took place as to why Trinity Broadcasting Network is
21 going to be considering the purchase of low-power stations for
22 these markets as opposed to Translator TV, Inc., considering
23 the purchase of some or all of them?

24 A No. I would assume from this -- The way this is
25 written, this motion pertained entirely to Trinity

1 Broadcasting Network. Why Translator was not considering, if
2 it wasn't considering stations, I don't know.

3 JUDGE CHACHKIN: I think you may be missing the
4 point, though. We're not talking about that Translator was
5 not considering the station. The key word is purchase.

6 MR. JUGGERT: Purchase. Okay, purchase.

7 JUDGE CHACHKIN: In other words, Translator TV was
8 applying for station and seeking a minority preference and
9 apparently never purchased any stations. Only Trinity Network
10 purchased the station. Now, what counsel is trying to get at
11 is do you know the reason why Translator TV was used
12 exclusively to only apply for stations, while Trinity, on the
13 other hand, was given responsibility to purchase stations? I
14 guess that's what Oklahoma did.

15 MR. JUGGERT: Yeah. I see where you're going with
16 the question. I don't know. That was never discussed with
17 me, why it -- This is the first I realized there was a
18 division between purchasing and applying for stations.

19 JUDGE CHACHKIN: You are aware of the fact, of
20 course, that TBN could not claim a minority preference?

21 MR. JUGGERT: Yeah, I'm aware of that.

22 JUDGE CHACHKIN: Only, only Translator TV could claim
23 a minority preference.

24 MR. JUGGERT: I see the relevance of the question,
25 yes.

1 JUDGE CHACHKIN: And you don't recall any discussions
2 as to --

3 MR. JUGGERT: Other than Jane Duff's memo to me that
4 said Trinity -- where she said we, we qualify for a
5 preference, back in '85-86-87.

6 BY MR. SHOOK:

7 Q And the we that you're referring to there is --

8 A Translator.

9 Q -- the Translator TV, Inc., we --

10 A Translator.

11 Q Would you please turn to page 7? And what I'd like
12 you to focus on are the first four paragraphs of page 7.
13 There are additional paragraphs that make reference to the
14 plan, but I think the first four will suffice for purposes of
15 my question.

16 A Okay. Yes.

17 Q In terms of, in terms of which companies were going
18 to be involved in the plan that is referenced here, the 403B
19 plan --

20 A Yes.

21 Q -- could you go back to page 4 and we'll go through
22 the companies that are listed there from 4 to 6? Can you tell
23 me which ones were going to be a part of the plan and which
24 ones weren't?

25 A Okay. From four to six?

1 Q Yes, sir.

2 A The, the plan would have been made available to all
3 of these corporations on page 4.

4 Q Including Translator Television, Inc.?

5 A Including Translator as the 501(c)(3). It would not
6 have been made available to Trinity Towers or to Trinity of,
7 of Europe. Nor would it have been made available to Ciskei or
8 Nevis.

9 Q Thank you.

10 A By make available, each corporation set up their own
11 plan.

12 Q Please turn to Mass Media Exhibit 101.

13 A Okay.

14 Q In terms of the corporations present at this 1986
15 annual meeting, Translator TV, Inc., and Community Educational
16 Television, Inc., are affiliate corporations insofar as that
17 word is used?

18 A Yes. Yes.

19 Q Would you please turn to Mass Media Exhibit 124,
20 which appears in Volume III?

21 A What was that, 124?

22 Q Yes, sir.

23 A Okay.

24 Q Now, for the listing of corporations, Translator TV,
25 Inc., and Community Educational Television, Inc., would be

1 | affiliate corporations within the meaning of the term that
2 | appears at the heading on page 1?

3 | A Yes.

4 | Q Would you turn to page 9? The fifth paragraph, where
5 | it says "The telethon was recently conducted in Harlingen"?

6 | A Yes.

7 | Q That telethon is a CET telethon, correct, Community
8 | Educational Television?

9 | A That's right.

10 | Q Now, could you turn back to pages 7 and 8?

11 | A Okay.

12 | Q The second full paragraph on page 7, it states, "An
13 | opportunity for a brief report from each station was given."

14 | A Yes.

15 | Q And then it goes on from there. The persons who were
16 | referenced following I take it are the station managers of the
17 | stations from Arizona, Indiana, New York, etcetera, including
18 | the Community Educational Television stations?

19 | A I don't -- I'm looking for Community Educational TV,
20 | see if there's a report from them.

21 | Q On page 7, the paragraph that begins with "John
22 | Jacobson." It's about halfway down the page.

23 | A Right. That would be Community Educational
24 | Television, Harlingen, Texas.

25 | Q So he is giving a report in the manner similar to the

1 reports being given by the station managers of owned and
2 operated stations?

3 A That's right.

4 Q Please turn to Mass Media Exhibit 236. It's in the
5 fourth or fifth -- fifth volume, I think.

6 JUDGE CHACHKIN: What's the number?

7 MR. SHOOK: 236.

8 JUDGE CHACHKIN: So it would be in the fourth volume.

9 MR. SHOOK: Fourth volume, excuse me.

10 MR. JUGGERT: I'm there.

11 BY MR. SHOOK:

12 Q Now, what I'd like you to look at are the first two
13 paragraphs of the first page of 236. And you'll see that in
14 the first paragraph there's no reference to National Minority
15 TV.

16 A I noted that.

17 Q And in the second paragraph, however, those present
18 include Jane Duff and David P. Espinoza. Do you see that?

19 A I see it.

20 Q Now, if you turn to Mass Media Exhibit 237 --

21 A Yes.

22 Q -- there's a reference to or minutes for an annual
23 meeting of National Minority TV which took place on
24 January 23, 1989, which is the same date as the annual meeting
25 that is referenced in Mass Media Exhibit 236.

1 A Right.

2 Q Now, on page 9 of Mass Media 236 it appears that you
3 prepared and signed these minutes.

4 A That, that's correct.

5 Q However, for Mass Media Exhibit 237 the reference is
6 that Jane Duff signed the minutes and presumably prepared
7 them.

8 A That's correct.

9 Q Now, do you have any knowledge as to whether there
10 was a separate annual meeting for National Minority TV on
11 January 23, 1989, or whether such a meeting occurred within
12 the context or as part of the annual meeting of the combined
13 boards of Trinity and affiliated corporations?

14 A To the best of my recollection, there was a combined
15 board meeting with the parties participating as indicated,
16 those corporations participating. The board meeting goes on
17 for a couple of days and it's my understanding that the board
18 meeting reflected in Mass Media Exhibit 237 reflects a meeting
19 that was held during that period of time, but in a separate
20 location. In other words, everybody wasn't present. It was
21 just the officers and directors of, of National Minority.

22 Q Now, you have never been a board member of Translator
23 TV, Inc., correct?

24 A That's correct.

25 Q Do you have any understanding as to why you have

1 never been a board member?

2 A No. I, I've never been asked.

3 Q You have been a board member of Community Educational
4 Television and left and come back again, correct? Or have you
5 always been a member of the board of Community Educational
6 Television?

7 A In my, in my mind, I've always been a board member of
8 Community Educational. Maybe there was a period when I
9 wasn't.

10 Q All right. And if the minutes suggest otherwise,
11 perhaps there's --

12 A It would be, it would be correct.

13 Q Either the minutes are correct or there's a, an
14 amended --

15 A A fault in my memory.

16 Q A fault in your memory?

17 A Yes. Probably the latter.

18 MR. SHOOK: Your Honor, one minute. I believe I may
19 be finished.

20 JUDGE CHACHKIN: We'll go off the record.

21 (Off the record.)

22 MR. SHOOK: -- and invariably they would --

23 JUDGE CHACHKIN: I'm sure Mr. Juggert doesn't want to
24 return to California. I'm sure he loves this weather.

25 MR. COHEN: That's right, he likes it here.

1 BY MR. SHOOK:

2 Q Now, if, if I'm correct, and please correct me if I'm
3 wrong, you had testified that your understanding was that Ben
4 Miller was donating time when he was working for National
5 Minority TV?

6 A I don't know if I thought he -- I, I, I thought that
7 he was -- When I first heard about it, I thought that he was
8 an independent contractor.

9 Q Excuse me, an independent contractor. Okay. So your
10 understanding is that Ben Miller is an independent contractor
11 with respect to National Minority TV? Or do you have any
12 understanding?

13 A I don't have any understanding. I think somebody
14 told me during my testimony that he did it for free.

15 Q All right, what understanding do you have as to Ben
16 Miller's relationship in providing services to Trinity
17 Broadcasting of Arizona or Trinity Broadcasting of Indiana or
18 New York, etcetera? Not the network.

19 A I think he's an independent contractor.

20 Q That's your understanding of it?

21 A Yeah.

22 JUDGE CHACHKIN: Is that speculation or based on
23 knowledge?

24 MR. JUGGERT: Somewhere in the back of my mind I, I
25 seem to remember that it was Paul Crouch mentioning to me that

1 it would be desirable for Ben to be an independent contractor
2 for some of these other corporations, to enable him to earn
3 him some extra, extra funds and that those corporations would
4 pay them. And that's why I think he's an independent
5 contractor.

6 JUDGE CHACHKIN: Do you know if they, if they
7 actually did pay him, though?

8 MR. JUGGERT: I don't know.

9 BY MR. SHOOK:

10 Q Now, I believe in, in testimony there was -- you had
11 stated or you indicated that you didn't think you had any
12 obligation to advise National Minority TV of the need to hold
13 an annual meeting. Is that, is that ring true or does that
14 comport with what you remember testifying?

15 A If I'd been asked, I would have advised them to hold
16 one. But I didn't think it was my duty to say you've got to
17 be sure to -- every year to remind them, 'cause they'd been
18 doing it.

19 Q Right. No, so you would have had -- you would have
20 felt no obligation to volunteer that information to National
21 Minority TV? That is, that, National Minority TV, you have
22 some obligation to hold the meeting.

23 A Yeah. I assumed they'd be smart enough to know that.

24 Q Now, do you feel that you do have any obligation
25 toward Trinity Broadcasting Network to advise it that it needs

1 to hold a meeting of some kind, an annual meeting?

2 A That's never gone through my mind. It's -- It
3 happens like clockwork.

4 Q I suppose the question really boils down to your
5 perception of the attorney/client relationship.

6 A Yes.

7 Q And what you would, what you would feel that you
8 needed to do as, as an attorney representing a client. So in
9 the case with Trinity Broadcasting Network, I believe you
10 testified that you recognize and believe that an
11 attorney/client relationship exists between yourself and
12 Trinity Christian Center of Santa Ana and that in that
13 capacity you would so advise it of the need to hold an annual
14 meeting if one were required.

15 A If January 1st rolled around and I was not advised of
16 an annual meeting, I would ask a lot of questions. I would
17 insist that one be held.

18 Q Would you so insist with respect to Trinity
19 Broadcasting of Arizona?

20 A That -- Trinity of Arizona would normally be included
21 with Trinity Broadcasting Network. That's -- If they weren't
22 included, I would insist, yes.

23 Q So that insistence would hold true with respect to
24 Arizona, Oklahoma City, Indiana, New York, Washington, Texas?

25 A That's right.

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1 Q The corporations that you would think of as not only
2 affiliated, but owned and operated?

3 A Yes.

4 Q But you would not, you would not feel that you had
5 such an obligation to National Minority TV?

6 A I feel a moral obligation to do it if I knew about
7 it.

8 Q Right. Well, at this point I'm not, I'm not talking
9 about a moral obligation.

10 A No, I wouldn't have a legal --

11 Q I'm talking about your perception of what your legal
12 responsibilities would be or your responsibilities as a lawyer
13 to a client.

14 A No, I wouldn't have a legal obligation.

15 MR. SHOOK: We have no further questions, Your Honor.

16 JUDGE CHACHKIN: Do you have any?

17 UNIDENTIFIED SPEAKER: I have just a few.

18 MR. COHEN: Your Honor, I just wanted to ask you --

19 JUDGE CHACHKIN: Well, if we're going to run until --
20 We're not going to finish today, obviously, anyway. So we'll
21 wait -- we'll recess until 9:30 tomorrow morning and finish
22 it.

23 (Whereupon, at 4:00 p.m., the hearing was recessed
24 until January 12, 1994.)

25

CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

IN THE MATTER OF TRINITY BROADCASTING OF FLORIDA, INC.
Name AND GLENDALE BROADCASTING COMPANY

MM DOCKET NO. 93-75
Docket No.

WASHINGTON, D.C.
Place

JANUARY 11, 1994
Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 3811 through 3978, inclusive, are the true, accurate and complete transcript prepared from the reporting by ALICE WEHNER in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

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